

REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1-23 in view of the above amendments and the following arguments.

I. THE AMENDMENTS

The disclosure is amended above to correct typographical errors in the application as filed.

Amendment to claim 8 is submitted above to correct the typographical error indicated by the Examiner.

Applicants have noticed, in reviewing the claims, that claim 20 introduces a term without proper antecedent basis. Amendment to claim 20 is accordingly submitted herein above to refer to the "predetermined prize of the bonus round" instead of the "second type game play result." No new matter is added, since the original application provides support for the amendment. See, e.g., present application, page 20, lines 12-18 (stating that the activity by the player in the bonus round has no effect on the game result, which is predetermined, so that the bonus round provides the player with the mere appearance of making a choice affecting the game result and stating that this illusion is possible according to the invention because the result is concealed from the player for a time during the bonus round).

II. THE CLAIMS ARE NOT ANTICIPATED BY CITED ART

The Office Action rejected claims 1-4, 6, 7, 9-11, 13-15, 17-20 and 22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,461,241 to Webb et al. ("Webb"). The Applicants submit that these claims are not anticipated by Webb. In addition, Applicants herein submit amendments to claims 1, 9 and 18 to even more particularly point out patentable distinctions of the present invention.

According to an embodiment of the invention described in the present application, a game play result may be obtained for a player by an automated process of a game system, where the process selects from a sequence of lottery results or generates a result randomly, for example.

See, e.g., present application, page 19, lines 9-11. A prize is associated with the game play result. See, e.g., present application, page 10, line 14 - page 11, line 4.

The system may provide a bonus round that increases player interaction, See, e.g., present application, page 20, lines 10-11 (describing presenting a player with additional selections to make). A variety of ways are disclosed in which the system may associate the bonus round with the obtained game play result and thereby provide the bonus round for the player. See, e.g., present application, page 17, line 9 - page 18, line 21 (describing, for example, that the system may make this association responsive to a random number of games played or a predetermined number of games played, at predetermined times of day, and in other ways).

In a preferred embodiment of the invention disclosed in the present application, such a bonus round has a predetermined prize, since the prize associated with the game play result is not determined by the bonus round or events therein. See, e.g., present application, page 20, lines 12-18 (stating that the activity by the player in the bonus round has no effect on the game result, which is predetermined, so that the bonus round provides the player with the mere appearance of making a choice affecting the game result and stating that this illusion is possible according to the invention because the result is concealed from the player for a time during the bonus round).

A. Claims 1, 9 and 18

- i) Webb does not teach or suggest "associating a respective game player's game play result with a predetermined-prize bonus round," as claimed.

In contrast with the predetermined prize of the present application, Webb discloses a game having numerous other predetermined aspects. Webb, abstract, (predetermined symbols); col. 1, lines 22-34 (predetermined combination of symbols); col. 1, line 64 - col. 2, line 13 (predetermined number of markers); col. 2, lines 21 - 39 (predetermined pattern on a grid and predetermined location of marker on grid); col. 5, lines 33-50 (predetermined combination of indicia); col. 5, lines 54-64 (predetermined steps); col. 6, lines 12-31 (predetermined calculation); and col. 7, lines 37-49 (predetermined event or events). However, these predetermined aspects of a game disclosed by Webb are different than, and do not suggest, the invention in the present application, as claimed. According to the present application, a method

of providing a predetermined-prize bonus round in a game includes "associating a respective game player's game play result with a predetermined- prize bonus round" (emphasis added). Present application, claim 1. Claims 9 and 18 have similar language.

Applicants submit that a predetermined-prize bonus round is not anticipated nor suggested by predetermined symbols, a predetermined combination of symbols, a predetermined number of markers, a predetermined pattern on a grid, a predetermined location of marker on grid, a predetermined combination of indicia, predetermined steps, a predetermined calculation, nor a predetermined event or predetermined events, as taught by Webb. That is, it should be understood from the discussion herein above of the disclosure in the present application that for a predetermined-prize bonus round, a prize is associated with a game play result, so that the prize is thereby determined independently of the bonus round or events therein. Webb does not teach or suggest this. Indeed, a passage of Webb relied upon for the rejection actually teaches away from what is claimed in the present application. See Webb, col. 1, line 64 - col. 2, line 13 (stating that a secondary game, i.e., bonus round, requires the player to complete a plurality of steps before reaching a win condition).

- ii) Webb does not teach or suggest "presenting the game player with a number of selection options from which to choose during the predetermined-prize bonus round," nor "concealing the game play result from the game player during the predetermined- prize bonus round until the game player selects one of the selection options," as claimed.

Since Webb does not teach or suggest a predetermined-prize bonus round, as explained herein above, Webb does not, of course, teach or suggest "presenting the game player with a number of selection options from which to choose during the predetermined-prize bonus round," nor "concealing the game play result from the game player during the predetermined- prize bonus round until the game player selects one of the selection options," as stated in claim 1 of the present application (emphasis added). Claims 9 and 18 have similar language.

In addition, Webb does not even teach or suggest "concealing the game play result from the game player . . . until the game player selects one of the selection options," where the

occurring is merely during a bonus round, i.e., irrespective of whether the bonus round is a predetermined-prize bonus round. Regarding the claimed concealing aspect of the present invention, the Office Action apparently relies for the rejection on the teaching of Webb regarding a bonus round in which a player must complete a plurality of steps before reaching a win condition, at which point a gaming device provides the player with an award. Applicants submit, however, that while it is not crystal clear what Webb is teaching, it appears Webb is teaching about a so-called secondary game, i.e., bonus round, award that does not even exist until a player completes steps reaching a win condition. In such a case, Webb teaches there is no bonus round result that exists so as to be subject to concealment until the game player selects a selection option in a bonus round. This is contrary to the claims in the present application, which teach that there is a game play result that exists, is associated with a bonus round, and is concealed during the bonus round.

Furthermore, it should be understood that in the prior art it is conventional that a game play result is different than or modified by a bonus round result. Indeed, in a preferred embodiment disclosed in the present application a player is presented with the appearance of what is conventional, i.e., making a choice that produces a bonus round result modifying a game play result, so that the bonus round result is different than the game play result. However, the present application goes on to teach that the bonus round prize is actually the game play result, as explained herein above. Accordingly, in the claims of the present application it is a game play result that is associated with a bonus round and concealed until the game player selects one of the options in the bonus round. Thus, even if Webb did teach of a bonus round result that exists and is concealed until a game player selects an option in a bonus round, this is different than the "game play result" that is concealed as claimed in the present application.

- iii) Webb does not teach or suggest "the predetermined prize of the bonus round is determined by the game play result and the game play result is determined independently of the bonus round," as now claimed.

To even more particularly point out patentable distinctions, claims 1, 9 and 18 are herein amended. No new matter is added, since the original application provides support for the

amendments. See, e.g., present application, FIG. 4 and page 14, lines 14-17 (result server 401 produces obtains or identifies game play result responsive to game play request); FIG. 5 (block 502) and page 19, lines 1-14; page 20, lines 10-18 (bonus round has no effect on game result, but rather game result is predetermined by result generation or identification process conducted at result server 401).

By stating that "the predetermined prize of the bonus round is determined by the game play result" and that "the game play result ~~[[is]]~~ determined independently of the bonus round" this makes it all the more clear that the bonus round prize is determined independently of the bonus round and, correspondingly, what is concealed during the bonus round is something determined independently of the bonus round. The cited references do not teach or suggest this.

For all of the above reasons, Applicants submit that independent claims 1, 9 and 18 are allowable over the cited art.

Claims 2-4, 6, 7, 10-11, 13-15, 17, 19, 20 and 22

Applicants submit that claims 2-4, 6, 7, 10-11, 13-15, 17, 19, 20 and 22 are allowable at least because they depend on respectively allowable independent claims. MPEP 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious," citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

III. THE CLAIMS ARE NOT OBVIOUS IN VIEW OF THE PRIOR ART OF RECORD IN THE CASE.

The Office Action rejected claims 5, 8, 12, 16, 21 and 23 under U.S.C. § 103(a) as being unpatentable over Webb, offering Olsen and Kelly as evidence of certain matters asserted to be well-known facts. The Applicants respectfully submit that the claims are not obvious with respect to Webb, even in view of Olsen and Kelly.

That is, Applicants submit that claims 5, 8, 12, 16, 21 and 23 are allowable at least because they depend on respectively allowable independent claims. MPEP 2143.03 ("If an

independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious," citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

IV. CONCLUSION

For all of the above reasons the Applicants respectfully request reconsideration and allowance of claims 1-23.

If any issue remains as to the allowability of these claims, or if a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney prior to issuing a further action in this case.

Respectfully submitted,

The Culbertson Group, P.C.

Dated: June 28, 2006

By: 

Russell D. Culbertson, Reg. No. 32,124
Trevor Lind, Reg. No. 54,785
1114 Lost Creek Blvd.
Suite 420
Austin, TX 78746
Attorneys for Applicants
Telephone 512-327-8932
Facsimile 512-327-2665

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 571-273-8300) on June 28, 2006.

Reg. No. 32,124, Russell D. Culbertson
response to fax wpd 